IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

CRP.No. 780 of 2000(H)

SM.8/1984 of TALUK LAND BOARD, TIRURANGADI

REVN. PETITIONER: DECLARANT:

CHERUVIL KADER HAJI, S/O.HYDROSE,
CHERUR AMSOM, (VIA)VENGARA,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS: RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TALUK LAND BOARD, TIRURANGADI.

3. THE TAHSILDAR, THIRURANGADI.

BY GOVERNMENT PLEADER SRI.K.G.BHASKARAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.M.P.NO.1594/2000 IN C.R.P.NO.780/2000

DISMISSED

22/11/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

AHZ/

K.T.SANKARAN, J.

C.R.P. NO. 780 OF 2000

Dated this the 22nd day of November, 2007

O R D E R

Originally the case was before the Taluk Land Board, Tirur. The final order dated 7.9.1990 was passed, by which the declarant was directed to surrender an extent of 2.04 acres of land. Challenging the order passed by the Board, dated 7.9.1990, the declarant filed C.R.P.No.434 of 1991. The order passed by the Taluk Land Board was set aside as per order, dated 9.9.1997, and the case was remanded to the Taluk Land Board. It was contended before this Court by the declarant that as per the draft statement the total extent of land in the possession of the declarant was shown as 32.04 acres equivalent to 28.98 ½ standard acres. The draft statement suggested that the ceiling area applicable to the family was ten standard acres, which worked out to 13.01 ¾ acres. The declarant was directed to surrender an extemt of 19.02 ¼ acres. After considering the objections filed by the declarant, the Taluk Land Board passed the final order, dated 7.9.1990, wherein it was found that the total extent held by the family of the declarant was 14.04 acres equivalent to 12.84 standard acres. It was held that the declarant is entitled to retain an area of 12 acres and he was directed to surrender an extent of 2.04 acres. It was pointed out before this Court in C.R.P.No.434 of 1991 that while disposing of the various objections, the

Taluk Land Board had directed the deletion of an extent of 19 acres and 69.25 cents, which was clear from the order of the Taluk Land Board itself and, therefore, there was no justification for arriving at the conclusion that the declarant was holding an extent of 14.04 acres. This contention was dealt with by this Court in C.R.P.No.434 of 1991 and it was held as follows:

> "3. According to the revision petitioners, there is mistake in calculation of the extent of land, which is admitted by the Government pleader. The total extent according to the Taluk Land Board in the possession of the petitioners is 32.04 acres. The Taluk Land Board has exempted 19.06 ¼ acres. The remaining extent will only be 32.04 – 19.06 ¼ = 12.34 ¾ acres."

After holding thus and after dealing with certain other objections, this Court thought it fit to direct the Taluk Land Board to look into the matter again and to arrive at a conclusion as to whether there was a mistake in calculation.

2. After disposal of C.R.P.No.434 of 1991, the Taluk Land Board passed an order, dated 26.9.1998. The declarant filed C.R.P.No.2187 of 1998 challenging that order. That Revision was disposed of on the short ground that the term of the members of the Taluk Land Board expired on 20.8.1998 and, therefore, the order passed on 26.9.1998 by a Board which was not in existence was null and void.

3. After the order in C.R.P.No.2187 of 1998, the matter was considered by the Taluk Land Board, Tirurangadi, to which the case was transferred and the present order, dated 9.2.2000, was passed. As per this order, the Taluk Land Board found that the declarant is liable to surrender one acre and quarter cents. This finding was arrived at on the basis that the total extent held by the declarant is 13.60 ¼ acres = 12.00 ¼ standard acres. It was held that the family of the declarant could retain only ten standard acres, equivalent to 12.15 ordinary acres and as such, the declarant is liable to surrender an extent of 1.00 ¼ ordinary cents. Even in this calculation there is a mistake. The Taluk Land Board held that the total extent is 13.00 ¼ acres and that the family of the declarant could retain 12.15 ordinary acres. Then how the extent of land to be surrendered be fixed at 1.00 ¼ ordinary ares?

4. Apart from the above mistake, the Taluk Land Board has completely ignored the order in C.R.P.No.434 of 1991. In spite of the specific direction in C.R.P.No.2187 of 1998 that the Taluk Land Board shall dispose of the case in the light of the order in C.R.P.No.434 of 1991, the Taluk Land Board failed to discharge its function as a statutory forum. The specific directions issued by this Court were not considered at all. I must say that the Taluk Land Board was not justified at all in not considering the case in accordance with the directions issued by this

Court. It is true that the Taluk Land Board could decide a case on the merits in its own way. But, when a Revision is filed under Section 103 of the Kerala Land Reforms Act and the revisional court issued certain directions, it is incumbent upon the Taluk Land Board to dispose of the matter following the directions issued by the revisional court. The Taluk Land Board cannot ignore those directions and decide the case as it likes. Judicial discipline demands that an order passed by the superior court in the hierarchy of Courts should be respected, obeyed and implemented. It is unfortunate that the Taluk Land Board has not only committed grave mistakes but also conveniently ignored the directions issued by this Court earlier. I have no other option, but to set aside the order passed by the Taluk Land Board and direct the Taluk Land Board to dispose of the matter afresh in the light of the specific directions issued by this Court in C.R.P.Nos.434 of 1991 and 2187 of 1998.

The Civil Revision Petition is, therefore, allowed, the impugned order passed by the Taluk Land Board is set aside and the matter is remanded to the Taluk Land Board for fresh disposal in the manner indicated above.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

C.R.P.NO. 780 OF 2000

O R D E R

22nd November, 2007